

AMENDED IN SENATE JUNE 11, 2001

**SENATE BILL**

**No. 62**

**Introduced by Senator Morrow**  
(Coauthor: Assembly Member Leslie)

January 4, 2001

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An act to amend Section 739.5 of the Public Utilities Code, relating to utilities 7604 of the Public Utilities Code, relating to railroad crossings, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 62, as amended, Morrow. ~~Electric bill: master-meter customers: rate ceiling~~ Railroad crossings: automated warning devices.

(1) Existing law authorizes the Public Utilities Commission to authorize on an application-by-application basis and supervise the operation of pilot project to evaluate proposed crossing warning devices or new technology and authorizes automatic audible warning devices that sound automatically when an approaching train is a specified distance from the place where the railroad crosses any street, road, or highway.

This bill would authorize audible warning devices that sound automatically for a specified amount of time before the approaching train crosses a street, road, or highway.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

~~(1) The Public Utilities Act requires every master-meter customer to provide an itemized billing of charges for electricity or gas, or both, to each individual user generally in accordance with the form and content of bills of the corporation to its residential customers.~~

The act requires the Public Utilities Commission to establish a ceiling of 6.5¢ per kilowatthour on the energy component of electric bills for residential, small commercial, and lighting customers of the San Diego Gas and Electric Company, through December 31, 2002, retroactive to June 1, 2000, as prescribed.

This bill would require the billing to show any undercollection in the current billing cycle due to the ceiling, the total accumulated undercollection to that date, and accumulated interest on the accumulated undercollection, as prescribed, and to be consistent with specified accounting procedures. The bill would require a specified notice. Because a violation of the act is a crime, this bill would impose a state-mandated local program by creating a new crime.

The bill would allow submeter customers to elect to make inapplicable that electricity rate ceiling and to pay the full cost of electricity used plus an amount that equals the simple interest on any unpaid amounts, as specified, if the related master-meter customer and all other submeter customers elect to make inapplicable that electricity rate ceiling.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes-no.

*The people of the State of California do enact as follows:*

- 1 ~~SECTION 1.—Section 739.5 of the Public Utilities Code is~~
- 2 *SECTION 1. Section 7604 of the Public Utilities Code is*
- 3 *amended to read:*
- 4 7604. (a) A bell, of at least 20 pounds weight or of equivalent
- 5 sound-producing capability, shall be placed on each locomotive
- 6 engine, and shall be rung at a distance of at least 1,320 feet from
- 7 the place where the railroad crosses any street, road, or highway,
- 8 and be kept ringing until it has crossed the street, road, or highway;
- 9 or a steam whistle, air siren, or an air whistle shall be attached, and

1 be sounded at the like distance, and be kept sounding at intervals  
2 until it has crossed the street, road, or highway, except as follows:

3 (1) In a city, the ringing of the bell or the sounding of the steam  
4 whistle, air siren, or air whistle shall be at the discretion of the  
5 operator of the locomotive engine.

6 (2) When a locomotive engine is engaged in a switching  
7 operation or comes to a stop at any point within a distance of 1,320  
8 feet from the place at which the railroad crosses any street, road,  
9 or highway, it shall not be necessary that the bell be rung or the  
10 whistle, air siren, or air whistle be sounded, until the time and from  
11 the place that the locomotive begins an uninterrupted movement  
12 to and across the place at which the railroad crosses the street, road,  
13 or highway.

14 (3) (A) The ringing of the bell or the sounding of the steam  
15 whistle, air siren, or air whistle is not required when approaching  
16 a railroad crossing that has a permanently installed audible  
17 warning device authorized by the commission that ~~sounds begins~~  
18 ~~to sound automatically when no less than twenty seconds before an~~  
19 ~~approaching train is at least 1,320 feet from enters~~ the place where  
20 the railroad crosses any street, road, or highway, and that keeps  
21 sounding until the lead locomotive has crossed the street, road, or  
22 highway.

23 (B) The operator of the locomotive may ring the bell or sound  
24 the steam whistle, air siren, or air whistle at crossings equipped as  
25 set forth in subparagraph (A).

26 (b) Any railroad corporation violating this section shall be  
27 subject to a penalty of one hundred dollars (\$100) for every  
28 violation. The penalty may be recovered in an action prosecuted  
29 by the district attorney of the proper county, for the use of the state.  
30 The corporation is also liable for all damages sustained by any  
31 person, and caused by its locomotives, train, or cars, when the  
32 provisions of this section are not complied with.

33 *SEC. 2. This act is an urgency statute necessary for the*  
34 *immediate preservation of the public peace, health, or safety*  
35 *within the meaning of Article IV of the Constitution and shall go*  
36 *into immediate effect. The facts constituting the necessity are:*

37 *In order for the test of the pilot program for stationary,*  
38 *automated audible warning devices at highway-rail crossings and*  
39 *the feasibility of that system to be assessed as soon as possible, it*  
40 *is necessary that this act take effect immediately.* ~~amended to read:~~

~~739.5.—(a) The commission shall require that, whenever gas or electric service, or both, is provided by a master-meter customer to users who are tenants of a mobilehome park, apartment building, or similar residential complex, the master-meter customer shall charge each user of the service at the same rate which would be applicable if the user were receiving gas or electricity, or both, directly from the gas or electrical corporation. The commission shall require the corporation furnishing service to the master-meter customer to establish uniform rates for master-meter service at a level which will provide a sufficient differential to cover the reasonable average costs to master-meter customers of providing submeter service, except that these costs shall not exceed the average cost that the corporation would have incurred in providing comparable services directly to the users of the service.~~

~~(b) Every master-meter customer of a gas or electrical corporation subject to subdivision (a) who, on or after January 1, 1978, receives any rebate from the corporation shall distribute to, or credit to the account of, each current user served by the master-meter customer that portion of the rebate which the amount of gas or electricity, or both, consumed by the user during the last billing period bears to the total amount furnished by the corporation to the master-meter customer during that period.~~

~~(c) An electrical or gas corporation furnishing service to a master-meter customer shall furnish to each user of the service within a submetered system every public safety customer service which it provides beyond the meter to its other residential customers. The corporation shall furnish a list of those services to the master-meter customer who shall post the list in a conspicuous place accessible to all users. Every corporation shall provide these public safety customer services to each user of electrical or gas service under a submetered system without additional charge unless the corporation has included the average cost of these services in the rate differential provided to the master-meter customer on January 1, 1984, in which case the commission shall deduct the average cost of providing these public safety customer services when approving rate differentials for master-meter customers.~~

~~(d) Every master-meter customer is responsible for maintenance and repair of its submeter facilities beyond the master~~

1 meter, and nothing in this section requires an electrical or gas  
2 corporation to make repairs to or perform maintenance on the  
3 submeter system.

4 (e) (1) Every master meter customer shall provide an itemized  
5 billing of charges for electricity or gas, or both, to each individual  
6 user generally in accordance with the form and content of bills of  
7 the corporation to its residential customers, including, but not  
8 limited to, the opening and closing readings for the meter, and the  
9 identification of all rates and quantities attributable to each block  
10 in the applicable rate structure. The master meter customer shall  
11 also post, in a conspicuous place, the applicable prevailing  
12 residential gas or electrical rate schedule, as published by the  
13 corporation.

14 (2) Each bill shall separately show any undercollection of  
15 reasonable and prudent costs of providing electric energy to the  
16 customer unrecovered in the current billing cycle due to the  
17 application of the ceiling provided for in subdivision (b) of Section  
18 332.1, the total accumulated undercollection for the period from  
19 the date of the imposition of the ceiling to the date of the bill, and  
20 accumulated interest on the accumulated undercollection, which  
21 shall accrue as simple, fixed interest at a rate not to exceed the  
22 average interest rate paid by the San Diego Gas and Electric  
23 Company for loans to finance its purchase of wholesale electricity  
24 in the previous billing cycle. The billing shall be consistent with  
25 subdivision (c) of Section 332.1.

26 (3) Each bill showing any undercollection pursuant to  
27 paragraph (2) shall contain a notice as follows:

28 “NOTICE: Payment of this bill, in part or in full, does not affect  
29 the legal standing of the ratepayer with regard to any future refund,  
30 credit, or other adjustment ordered by a local, state, or federal  
31 agency, including, but not limited to, any court order issued  
32 pursuant to litigation.”

33 (f) The commission shall require that every electrical and gas  
34 corporation shall notify each master meter customer of its  
35 responsibilities to its users under this section.

36 (g) Notwithstanding subdivision (b) of Section 332.1,  
37 submeter customers subject to that subdivision may elect, in  
38 writing, at least 30 days in advance of the affected billing period,  
39 to make inapplicable the electricity rate ceiling established  
40 pursuant to that section and to pay the full cost of electricity used

1 ~~plus an amount that equals the simple interest on any unpaid~~  
2 ~~amounts at the rate described in subdivision (e), if the related~~  
3 ~~master-meter customer and all other submeter customers elect to~~  
4 ~~make inapplicable that electricity rate ceiling.~~

5 ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
6 ~~Section 6 of Article XIII B of the California Constitution because~~  
7 ~~the only costs that may be incurred by a local agency or school~~  
8 ~~district will be incurred because this act creates a new crime or~~  
9 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
10 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
11 ~~the Government Code, or changes the definition of a crime within~~  
12 ~~the meaning of Section 6 of Article XIII B of the California~~  
13 ~~Constitution.~~

14 ~~SEC. 3. This act is an urgency statute necessary for the~~  
15 ~~immediate preservation of the public peace, health, or safety~~  
16 ~~within the meaning of Article IV of the Constitution and shall go~~  
17 ~~into immediate effect. The facts constituting the necessity are:~~

18 ~~In order to modify utility billing practices to provide adequate~~  
19 ~~disclosure to ratepayers of the San Diego Gas and Electric~~  
20 ~~Company of undercollections by that company due to the rate~~  
21 ~~ceiling imposed by Chapter 328 of the Statutes of 2000, and to~~  
22 ~~allow certain ratepayers to elect to make the ceiling inapplicable.~~  
23 ~~as soon as possible, it is necessary that this act take effect~~  
24 ~~immediately.~~

